UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,501	10/31/2001	Richard Paul Tarquini	10004010-1	7378

7590 06/30/2005

HEWLETT-PACKARD COMPANY
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EXAMINER
ZIA, SYED

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/003,501	TARQUINI ET AL.
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *31 October 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to application filed on October 31, 2001. Original

application contained Claims 1-19. Therefore, Claims 1-19 are pending for further consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Teal (U. S.

Patent 6,447,651).

1.   Regarding Claim 1 teal teaches and describes a method of analyzing frames at a node of a

network by an intrusion prevention system executed by the node (Fig.1), comprising:

reading the frame by the intrusion prevention system (col.4 line 16 to line 28);

comparing the frame with a machine-readable signature file (col.4 line 29 to line 40);

determining the frame has a frame signature that corresponds with the machine-readable

signature file (col.4 line 41 to line 47); and

determining the machine-readable signature file ha an associated squelch comprising a

squelch threshold and a squelch period (col.4line 48 tocol.5 line 8).

2.   Regarding Claim 10 Teal teaches and describes a computer-readable medium having

stored thereon a set of instructions to be executed, the set of instructions, when executed by a

processor, cause the processor to perform a computer method (Fig.1) of:

reading a frame (col.4 line 16 to line 28);

comparing the frame with a machine-readable signature file (col.4 line 29 to line 40);

determining the frame has a frame signature that corresponds with the machine-readable

signature file (col.4 line 41 to line 47); and

determining the machine-readable signature file has an associated squelch comprising a

squelch threshold and a squelch period (col.4line 48 tocol.5 line 8).

3.   Claims 2-4, 7-8, and 11 are rejected applied as above rejecting claims 1, and 10.

Furthermore, Teal Teaches and describes a system and method, further comprising

As per Claim 2 disabling execution of a directive of the machine-readable signature file if

a frame counter exceeds the squelch threshold (col.5 line 9 to line 35, col.5line 45 to line 51).

As per Claim 3 incrementing a frame counter upon determination that the frame signature corresponds with the machine-readable signature (col.45 line 45 to line 60).

As per Claim 4 determining whether the squelch period has elapsed (col.5 line 35 to line 51).

As per Claim 7 executing a directive of the machine-readable signature file upon determination that the squelch threshold has not been exceeded (col.4 line 28 to line 58).

As per Claim 8 suppressing execution of a directive of the signature file upon determination that the squelch threshold has been exceeded (col.5line 35 to line 60, and col. 4 line 16 to line 40).

As per Claim 11 a set of instruction that, when executed by the processor, cause the processor to perform a computer method of periodically incrementing a squelch period timer assigned to the machine-readable signature file (col.4 line 48 to col.5 line 60).

4.   Claims 5, 6, 9,12 are rejected applied as above rejecting claims 3, 4, 8, and 11. Furthermore, Teal Teaches and describes a system and method, further comprising

As per Claim 5 initiating a new squelch period upon determining the squelch period has elapsed (col.5 line 35 to line 60).

As per Claim 6 determining if the squelch threshold has been exceed by the frame counter (col.4line 16 to line 40).

As per Claim 9 wherein suppressing execution of a directive of the signature file further comprises suppressing execution of report generation associated with the determination that the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 22).

As per Claim 12 determining if the squelch period timer equals or exceed the squelch period (col.5 line 35 to line 51).

5.   Claims 13-19 are rejected applied as above rejecting claim 21. Furthermore, Teal Teaches and describes a system and method, further comprising a set of instructions that, when executed by the processor, cause the processor to perform a computer method of

As per Claim 13 re-initiating the squelch period timer upon determination that the squelch period timer equals or exceeds the squelch period; and incrementing a frame counter upon determining the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 60).

As per Claim 14 determining if a frame counter exceeds the squelch threshold (col.5 line 9 to line 35, col.5line 45 to line 51).

As per Claim 15 suppressing execution of a directive of the signature file upon determination that the squelch threshold has been exceeded by the frame counter (col.4line 16 to line 40).

As per Claim 16 executing a directive of the signature file upon determination that the squelch threshold has not been exceeded by the frame counter (col.4 line 28 to line 58).

As per Claim 17 suppressing execution of a directive further comprises suppressing execution of a report generation associated with the determination that the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 22).

As per Claim 18-19 determining if: the squelch is enabled, the squelch is disabled (col.4 line 48 to col.5 line 60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sz

June 16, 2005